IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Gary Anderson et al.

Serial No.: 09/009,083

Filing Date: January 20, 1998

Attorney Docket No. YO997-451

Group Art Unit: 2155

Examiner: F. Backer

For: QUALIFIED AND TARGETED LEAD SELECTION AND DELIVERY SYSTEM

Assistant Commissioner of Patents
Washington, D.C. 20231

SECOND RESUBMISSION OF APPELLANT'S BRIEF ON APPEAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Appellant's Submission of Brief on Appeal was filed February 15, 2001. The $310.00 fee was paid at that time. Thus, no fee is believed due at this time.

Respectfully submitted,

Sean M. McGinn
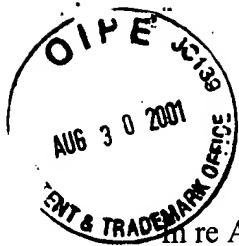Registration No. 34,386

Date: 8/30/01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Anderson et al.

Serial No.: 09/009,083   Group Art Unit: 2781

Filed: January 20, 1998   Examiner: Backer, F.

For: QUALIFIED AND TARGETED LEAD SELECTION AND DELIVERY SYSTEM

Honorable Assistant Commissioner of Patents
Washington, D.C. 20231

SECOND RESUBMISSION OF APPELLANTS' BRIEF ON APPEAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Appellants respectfully appeal the final rejection of claims 1-20 in the Office Action

dated November 3, 2000. A Notice of Appeal and Petition and Fee for a One-month Extension

of Time was timely filed on December 15, 2000.

I.   REAL PARTY IN INTEREST

The real party in interest is IBM Corporation, assignee of 100% interest of the above-

referenced patent application.

II.   RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal

representative or Assignee which would directly affect or be directly affected by or have a

bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-6, 8-14, and 16-20, all the claims pending in the application, are set forth fully

in the attached Appendix.

Claims 1-6, 8-14, and 16-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated

by Melchione et al. (U.S. Patent No. 5,930,764) (hereinafter "Melchione").

IV. STATEMENT OF AFTER-FINAL AMENDMENT

A proposed Amendment under 37 CFR §1.116 was filed by Appellants on October 16,

2000. In that Amendment, Appellants proposed canceling claims 7 and 15 and incorporating

their features into claims 1 and 14, respectively. However, on November 3, 2000, the Examiner

mailed an Advisory Action stating that the proposed Amendments would not be entered.

Appellants filed an Appeal Brief on February 15, 2001 and filed concurrently therewith a

second proposed Amendment under 37 CFR §1.116 which was substantially identical to the

Amendment filed on October 16, 2000. However, on April 27, 2001, the Examiner mailed a

Notice of Non-compliance asserting that Appeal Brief failed to address the status of the second

proposed Amendment which the Examiner refused to enter because the Amendment added the

term "quota" (i.e,. "lead usage quota mechanism) to claim 14 which was not recited in claim 15

and, therefore, claim 15 was not incorporated verbatim into claim 14.

Appellants filed a Resubmission of Appeal Brief on May 29, 2001 presuming the entry

of the §1.116 Amendment filed on February 15, 2001. However, on July 30, 2001, the

Examiner mailed another Notice of Non-compliance based on the same grounds as the earlier

Notice of Non-compliance.

Appellants respectfully disagree with the Examiner that the proposed Amendments fail to

narrow the issues on appeal. Therefore, Appellants submit herewith a third proposed

Amendment under 37 CFR §1.116 canceling claims 7 and 15 and incorporating their features

into claims 1 and 14, respectively. Moreover, Appellants note that claim 15 has been

incorporated verbatim into claim 14 to address the concerns of the Examiner. In other words,

claim 14 as amended by the concurrently filed Amendment under 37 CFR §1.116 merely recites

"lead usage mechanism" and does not include the term "quota".

The claims are set forth fully in the attached Appendix, presuming entry of the

Amendment filed herewith.

V.   SUMMARY OF THE INVENTION

The claimed invention as disclosed and claimed, for example, by independent claim 1, is

directed to a computerized integrated prospect (e.g., lead) selection and management system for

providing controlled access to multiple sales agents. The unique and inventive system provides

leads based upon selected criteria to individual sales agents. Further, the selected criteria is

selectively entered by an individual sales agent who follows up on the lead. The lead

management capability supplies a best match output of the customer profile. See for example,

page 7, lines 17-26 which includes a discussion of a lead management capability including

maintaining prospect data and product information and scoring a prospect as a lead. On page 8,

lines 1-26 there is described a lead usage mechanism (i.e., a "lead usage quota mechanism")

whereby a lead quantity, time interval, and availability to a user are controlled. Further, on page 9, lines 1-5 a lead selection capability is described which provides functions for retrieving prospect data per a user's lead selection preferences and choices. On page 11, lines 1-27, and page 12, lines 1-8 of the present application a description is provided of the scenario shown in Figure 4E of lead feedback.

With such unique features, a quota mechanism can be enforced and the efficient use of leads by sales agents is encouraged. Further, the leads are provided on an <u>exclusive basis</u> to prevent multiple sales agents from pursuing the same lead at the same time. Thus, an agent can be prevented from consuming an extraordinary number of good leads and data can be collected on the effectiveness of the leads pursued to further enhance the quality of the prospect information.

The system, as described for example on page 5, lines 5-25, includes a central processing unit (e.g., see Figures 1-3) accepting input from a plurality of user interface modules (e.g., user input/output devices). The CPU dispatches the input via a bidirectional communication link to a plurality of supplemental processing units each of which comprises one or more functional modules (e.g., as shown in Fig. 1 a system security module 18, a lead management module 20, a lead selection module 22, and a user profile management module 24). The supplemental processing units and the central processing unit are connectable to database storage devices.

Preferred aspects of the functional modules (e.g., see, for example, page 7, lines 17-26 and page 8, lines 1-4; and Fig. 1) are a lead management capability provided by a lead management module 20 for maintaining prospect data and product information including updating the data from external sources and scoring of each prospect. Further, the lead

management capability includes a lead usage <u>quota</u> mechanism to control the availability of a lead to a particular user (e.g., see page 8, lines 4-26). The lead usage <u>quota</u> mechanism controls the number of leads granted to a user, access to the lead, the amount of time a user is allocated to pursue the lead.

Additionally, the functional modules include a lead selection module 22 which selects leads with the highest score in terms of leads that match the user defined selection parameters (see for example, page 9, lines 1-5 and 22-25; page 10, lines 1-6 and 18-25; page 11, lines 1-9; and Figures 1 and 4D).

As shown in Figure 4E (and as described in the specification on page 11, lines 11-27), the present invention provides for displaying current active leads to a user. The user is able to provide feedback on the displayed leads and to close leads which are no longer active. The system encourages users to actively close leads and provide feedback so that a user may have access to new leads meeting the user-defined parameters (see page 12, lines 1-8).

VI. ISSUES PRESENTED FOR REVIEW

Appellants present the following issue for review by the Board of Patent Appeals and Interferences:

whether claims 1-6, 8-14, and 16-20 are anticipated by Melchione et al. (U.S. Patent No. 5,930,764) under 35 U.S.C. § 102(e).

VII. GROUPING OF THE CLAIMS

As supported by the following arguments, independent claim 1 (and dependent claims 2-6

and 8-13) and independent claim 14 (and dependent claims 16-20) <u>do not stand or fall together</u>.

Claim 1 recites

"a central processing unit (CPU);

at least one input user interface module connected to the CPU, at least one said module comprising means for inputting lead management data for operation upon by the CPU, and means for inputting lead selection parameters for operation upon by the CPU;

a set of functional modules to be executed by the CPU, wherein a first functional module comprises a system security capability, a second functional module comprises a lead management capability, and a third functional module comprises a lead selection capability;

CPU means responsive to an input user request comprising at least one of lead management data and lead selection parameters, the CPU means responding to said request by executing at least of one of the first, second, and third functional modules for generating information comprising at least one of a set of candidate leads and signification of a request; and

means connected to the CPU for outputting the information to an output user interface,

wherein an input customer profile is selectively entered by an individual sales agent, and

wherein said lead management capability supplies a best match output of said customer

profile".

However, unlike independent claim 1, claim 14 does not recite "at least one input user interface module connected to the CPU.......for operation upon by the CPU", "a set of functional modules to be executed by the CPU, wherein a first functional module comprises a system security capability, a second functional module comprises a lead management capability, and a third functional module comprises a lead selection capability", "CPU means responsive to an

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input user request comprising at least one of lead management data and lead selection

parameters, the CPU means responding to said request by executing at least of one of the first,

second, and third functional modules for generating information comprising at least one of a set

of candidate leads and signification of a request", "wherein an input customer profile is

selectively entered by an individual sales agent", and "wherein said lead management capability

supplies a best match output of said customer profile".

Instead, independent claim 14 recites the following (not found in independent claim 1)

"means for inputting lead selection parameters for searching said lead management data,

means for updating and maintaining lead data from external sources; and

means for managing said lead data, said managing means comprising a lead usage

mechanism for controlling a lead quantity, a lead usage time interval, and a lead availability to a

selected user,

wherein said CPU responds to a request for leads tailored to inputted selection parameters

by searching said lead management data and outputting selected information to an output user

interface".

Therefore, independent claims 1 and 14 are independently patentable and do not stand or

fall together.

Additionally, each of the dependent claims is patentably distinct from the independent

claims from which they depend. More specifically, dependent claims 2-6 and 8-13 are patentably

distinct from independent claim 1. Further, dependent claims 16-20 are patentably distinct from

independent claim 14.

VIII. ARGUMENT

A. THE EXAMINER'S POSITION ON ANTICIPATION

The Examiner's position is that:

> *[As per claims 1, 4-6, 14] Melchionne* (sic) *et al teach a system comprising a central processing unit (CPU) (central micromarketing system) an input user interface module (workstation) with means (keyboard) for inputting lead management data (marketing information), means for inputting lead selection (marketing information selection) parameters for operation upon by the CPU (see abstract, fig 1, 2, 5a-5h, column 8 line 59-9 line 12) a plurality* (sic) *functional modules (functional workstations) (see fig 1, 2, column 15 lines 1-10) wherein a functional module comprises a system security capability (security system) (see column 16 line 65-17 line 17, column 27 line 49-61), a functional module comprises a lead management capability (marketing information selection) (see section on lead management system (column 37 lines 65-column 40 line 58) and a functional module comprises a lead selection capability (marketing selection) (see column 30 lines 36-39 and section on selection list or paths (column 30 line 67-column 33 line 29)).*
>
> *Melchionne* (sic) *et al further teach a CPU responding to input user (user such as bankers or agent, customer representative, or account representative) requests by generating information on candidate leads (customer marketing information) and signification of a request and means (monitor, fax, printer) connected to the CPU for outputting the information (see abstract, column 33 line 39-59, 34 lines 3-7, 35, lines 13-45, and claim 5).*
>
> *[As per claim 7] Melchionne* (sic) *et al teach a system wherein an input customer profile is entered.....(see column 6 lines 26-39,).*
>
> *[As per claim 15] Melchionne* (sic) *et al teach a system wherein the lead management capability....time (see column 16 lines 30-55).*

B. APPELLANTS' POSITION ON ANTICIPATION

However, Appellants respectfully disagree and submit the claimed invention is not anticipated on the grounds discussed below. Indeed, Melchione, is very remote from the very specific limitations of the claimed invention. Specifically, as discussed in further detail below,

there is no teaching or suggestion of <u>a central processing unit (CPU)</u> for operating upon inputted

lead management data and lead selection parameters <u>nor</u> of an input customer profile being

selectively entered by an individual sales agent.

1. INDEPENDENT CLAIM 1

Independent claim 1 recites a system comprising:

<u>a central processing unit (CPU)</u>;

at least one input user interface module <u>connected to the CPU</u>, at least one said module

comprising <u>means for inputting lead management data for operation upon by the CPU</u>, and

<u>means for inputting lead selection parameters for operation upon by the CPU</u>;

<u>a set of functional modules to be executed by the CPU</u>, wherein a first functional module

comprises a system security capability, a second functional module comprises a lead

management capability, and a third functional module comprises a lead selection capability;

<u>CPU means responsive to an input user request comprising at least one of lead</u>

<u>management data and lead selection parameters</u>, the <u>CPU means responding to said request</u> by

executing at least of one of the first, second, and third functional modules for generating

information comprising at least one of a set of candidate leads and signification of a request; and

<u>means connected to the CPU for outputting the information</u> to an output user interface,

wherein <u>an input customer profile is selectively entered by an individual sales agent</u>, and

wherein said lead management capability supplies a best match output of said customer

profile.

a. The Examiner's Position is Flawed as a Matter of Law

U.S. Patent No. 5,930,764 to Melchione et al, is relied upon for teaching a sales process support system and method for identifying sales targets using a centralized database with a three-level hierarchy based upon households, customers, and accounts. The system distributes sales leads electronically to branch networks where the sales leads are used to target customers.

To reject the invention under 35 U.S.C. § 102(e), the Patent Office has the burden to demonstrate that there is a teaching of every aspect of the claimed invention either explicitly or impliedly in the reference.

However, the system of Melchione is not teaching or suggesting a central processing unit (CPU), as claimed by independent claim 1, but only micromarketing centers 11 with micro marketing workstations (e.g., see Fig. 1 and column 26, lines 55-59). Melchione therefore is not teaching or suggesting a user interface module connected to the CPU, means for inputting lead management data for operation upon by the CPU, means for inputting lead selection parameters for operation upon by the CPU, and a set of functional modules to be executed by the CPU.

Further, Melchione does not teach or suggest CPU means responsive to an input user request comprising at least one of lead management data and lead selection parameters, the CPU means responding to said request by executing at least of one of the first, second, and third functional modules, and means connected to the CPU for outputting the information to an output user interface.

Additionally, Melchione does not teach or suggest an input customer profile is selectively entered by an individual sales agent, and a lead management capability (e.g., of a second functional module to be executed by the CPU) supplies a best match output of said customer

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profile, as in the invention of claim 1.

In the invention the leads are provided on an exclusive basis to prevent multiple sales agents from pursuing the same lead at the same time. Thus, an agent can be prevented from consuming an extraordinary number of good leads and data can be collected on the effectiveness of the leads pursued to further enhance the quality of the prospect information.

Therefore, Appellants maintain that the prior art rejection has not anticipated and, thus, the Examiner's rejection fails as a matter of law.

b. The Examiner's Position is Flawed as a Matter of Fact

The system as disclosed and claimed <u>provides leads</u> based upon <u>selected criteria to individual sales agents</u>. That is, when an agent decides to look for new customers, the agent can access the system and request <u>leads that best fit what he wants</u>. The system allows the individual sales agents to <u>selectively</u> input their individual preferences for the traits to be included in the sales leads they require for the type of products they intend to sell.

The claimed system will supply the leads which <u>best match the profile input by the sales agents</u>. The system delivers the leads to the user (e.g., a sales agent) per user request. A function of the lead management is to enforce a quota mechanism in order to encourage the efficient use of leads by the sales agents, and an exclusivity rule to prevent leads being pursued by multiple agents at the same time.

A feature of the present invention, as claimed in independent claim 1, lies in provision of a system that <u>provides leads</u> based upon <u>selected criteria to individual sales agents</u>. Further, the <u>selected criteria is selectively entered by an individual sales agent</u> who is following up on the

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lead. The lead management capability <u>supplies a best match output of the customer profile</u>.

In complete and fundamental contrast, Melchione teaches a system whereby <u>a branch office</u> (not the individual sales agent) decides on a sales campaign and <u>coordinates with a regional micromarketing center</u> to decide what leads the marketing personnel should get, and distributes such leads to them. In order to do so, the micromarketing center (not the individual sales agents!) works with branch managers to determine the profile of households most likely to purchase the products, and constructs specific queries to search and retrieve the records meeting such profile from the database. The resulting leads are sent to branch managers. Then, the branch managers "*assign the leads to the personal bankers most qualified to handle the leads, or based on the workload and availability of the personal bankers*" (e.g., see Melchione, column 9, lines 45-51).

Further, the Examiner has equated a central processing unit (CPU) of the present invention to a micromarketing center 11 of Melchione. However, even assuming (arguendo) that these two distinct elements could be equated, the micromarketing center 11 of Melchione fails to anticipate the present invention.

For example, the micromarketing center 11 is not executing a second functional module comprising a lead management capability as is the CPU of the invention. Instead in Melchione, the lead management system is part of the CCIS 13 (e.g., see Melchione, column 37, lines 63-65), not the micromarketing center 11. Thus, the micromarketing center 11, contrary to the Examiners's basis for rejection, is not executing a second functional module comprising a lead management capability.

Further, it is the <u>branch managers</u> who use a user profile to define personal banker

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availability and product specialties. In Melchione, leads are created according to management priorities and distributed to personal bankers based on preset priorities. Thus, in Melchione, an input customer profile is not being selectively entered by an individual sales agent.

Thus, contrary to the Examiner's assertion, Melchione fails to anticipate the claimed invention. Turning to the language of independent claim 1, there is no teaching or suggestion of *"[a] system comprising:*

a central processing unit (CPU);

at least one input user interface module connected to the CPU, at least one said module comprising means for inputting lead management data for operation upon by the CPU, and means for inputting lead selection parameters for operation upon by the CPU;

a set of functional modules to be executed by the CPU, wherein a first functional module comprises a system security capability, a second functional module comprises a lead management capability, and a third functional module comprises a lead selection capability;

CPU means responsive to an input user request comprising at least one of lead management data and lead selection parameters, the CPU means responding to said request by executing at least of one of the first, second, and third functional modules for generating information comprising at least one of a set of candidate leads and signification of a request; and

means connected to the CPU for outputting the information to an output user interface, wherein an input customer profile is selectively entered by an individual sales agent, and wherein said lead management capability supplies a best match output of said customer profile" (emphasis Appellant's).

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Further, Appellant notes that, claim 1 includes a system having a plurality of structures claimed in means-plus-function format. That is, Appellant notes that, <u>inter alia</u>, the inputting lead management data means, inputting lead selection parameters means, CPU means, and information outputting means of independent claim 1 were purposely drafted to incorporate "<u>means-plus-function</u>" terminology. The Federal Circuit has made it clear that paragraph 6 of 35 U.S.C. § 112 is to be interpreted literally to limit means-plus-function language to encompass structure disclosed in the specification and structural equivalents thereof. <u>See</u>, e.g., <u>In re Donaldson Company, Inc.</u>, 29 U.S.P.Q. 2d 1845, (Fed. Cir. 1994) which prompted the PTO guidelines dated April 20, 1994 (1162 O.G. 59, published May 17, 1994) and most recently guidelines dated July 30, 1999 and published in the Federal Register.

The system of Melchione (and its attendant disclosure) neither teaches the specific structures of the inputting lead management data means, inputting lead selection parameters means, CPU means, and information outputting means of the invention, nor is such system a reasonable structural equivalent of the claimed the inputting lead management data means, inputting lead selection parameters means, CPU means, and information outputting means.

In view of the foregoing, independent claim 1 is not anticipated (or for that matter rendered obvious) by Melchione.

2.   INDEPENDENT CLAIM 14

Independent claim 14 recites a "lead management system comprising:

<u>a central processing unit (CPU)</u>;

<u>means connected to the CPU</u> for inputting lead management data; and

means for inputting lead selection parameters for searching said lead management data,

means for updating and maintaining lead data from external sources; and

means for managing said lead data, said managing means comprising a lead usage

mechanism for controlling a lead quantity, a lead usage time interval, and a lead availability to a

selected user,

wherein said CPU responds to a request for leads tailored to inputted selection parameters

by searching said lead management data and outputting selected information to an output user

interface".

a. The Examiner's Position is Flawed as a Matter of Law

As with independent claim 1, to reject the invention under 35 U.S.C. § 102(e), the Patent

Office has the burden to demonstrate that there is a teaching of every aspect of the claimed

invention either explicitly or impliedly in the reference.

However, the system of Melchione is not teaching or suggesting a central processing unit

(CPU), as claimed by independent claim 14. Melchione deals with a central database (e.g., see

Abstract), not a CPU.

Further, Melchione is not teaching or suggesting means connected to the CPU for

inputting lead management data, managing means comprising a lead usage mechanism for

controlling a lead quantity, a lead usage time interval, and a lead availability to a selected user,

nor that the CPU responds to a request for leads tailored to inputted selection parameters by

searching said lead management data and outputting selected information to an output user

interface.

Therefore, Appellants maintain that the prior art rejection has not anticipated and, thus,

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the Examiner's rejection fails as a matter of law.

b.   The Examiner's Position is Flawed as a Matter of Fact

In complete and fundamental contrast to the claimed invention, Melchione discloses a

sales and marketing support system and method for identifying sales targets using a centralized

database.

Briefly, a difference between Melchione and the lead management system of the present

invention is that Melchione does not use a central processing unit (CPU) to search for lead

management data and to output that data to a selected user.

In Melchione it is a regional micromarketing center which accesses the centralized

database to generate lists of sales leads. Further, it is the regional micromarketing center which

profiles the households to be selected as leads. In Melchione, it is the micromarketing center

personnel which construct specific queries to search and retrieve the records from the centralized

database. As noted previously, these leads are then distributed to branch managers in a branch

network. In Melchione, the lead selection process is driven by branch management in

communication with a regional micromarketing center, not by an individual sales agent.

In contrast, in the present invention a central processing unit (CPU) is directly accessed

by an individual sales agent to search for lead management data. The individual sales agents

input their own criteria to select leads.

Further, and similar to claim 1, Appellant notes that, claim 14 includes a system having a

plurality of structures claimed in means-plus-function format. That is, Appellant notes that, inter

alia, the inputting lead management data means, inputting lead selection parameters means,

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updating means, and managing means of independent claim 14 were purposely drafted to incorporate "means-plus-function" terminology. The Federal Circuit has made it clear that paragraph 6 of 35 U.S.C. § 112 is to be interpreted literally to limit means-plus-function language to encompass structure disclosed in the specification and structural equivalents thereof. See, e.g., In re Donaldson Company. Inc., 29 U.S.P.Q. 2d 1845, (Fed. Cir. 1994) which prompted the PTO guidelines dated April 20, 1994 (1162 O.G. 59, published May 17, 1994) and most recently guidelines dated July 30, 1999 and published in the Federal Register.

The system of Melchione (and its attendant disclosure) neither teaches the specific structures of the inputting lead management data means, inputting lead selection parameters means, updating means, and managing means of the invention, nor is such a system a reasonable structural equivalent of the claimed inputting lead management data means, inputting lead selection parameters means, updating means, and managing means.

Therefore claim 14, is not anticipated (or rendered obvious) by Melchione.

3. DEPENDENT CLAIMS

While independent claims 1 and 14 are patentable over Melchione, as discussed above, dependent claims 2-6, 8-13, and 16-20 are patentably distinct over their respective independent claims 1 and 14, as these claims recite elements not found and are patentably significant over the limitations of their respective independent claims.

For example, claim 2 recites "*wherein the CPU comprises a microprocessor*". The Examiner alleges that "*Melchione et al teach a system comprising a central processing unit (CPU) (central micromarketing system) comprises a microprocessor (see (see abstract, fig 1, 2,*

5a-5h, column 8 line 59-9 line 12)".

However, contrary to the Examiner's assertion, there is no teaching of a central processing unit (CPU), only of a regional micromarketing center. Further, there is no disclosure in Melchione of a microprocessor. Therefore, there is no teaching of *"wherein the CPU comprises a microprocessor"* as recited by dependent claim 2.

Regarding dependent claim 6, claim 6 recites *"wherein the means connected to the CPU for outputting the information comprises means for outputting to a facsimile"*. In this regard, Melchione is completely silent.

Dependent claim 8 (e.g., and substantially similarly dependent claims 19 and 20), recites *"wherein said lead selection capability is for supporting <u>a sales agent</u> and to provide leads on an as-needed basis such that when said agent looks for new customers, <u>said agent inputs through said means for inputting lead selection parameters for requesting leads that best fit what said agent desires</u>"*. As explained above, in the present invention the claimed system will supply the leads which <u>best match the profile input by the sales agents</u>. In contrast, in Melchione, <u>individual sales agents are not entering their own criteria to select leads</u>. Instead, input is performed by a removed, remote third party (e.g., the micromarketing centers).

Regarding dependent claim 9 (and similarly claims 10 and 12), claim 9 recites *"wherein said means for inputting lead selection parameters allow <u>said user to input the user's individual preferences for traits to be associated with the leads said user requires for a type of products to be marketed</u>"*. However, in Melchione the user (e.g, the personal bankers) do <u>not</u> input their individual preferences for traits to be associated with the leads.

Instead, Melchione teaches a system where <u>a branch office</u> decides on a sales campaign,

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coordinates with a regional micromarketing center to decide what leads the personal bankers will get, and distributes the resultant leads to them. It is the micromarketing center and the branch managers who determine the customer profile most likely to purchase the products, and it is they who construct specific queries to search and retrieve the records meeting such a profile.

Thus, all of the dependent claims are patentable not only by virtue of their dependency from their respective independent claims, bust also for the additional limitations which they require.

IX. CONCLUSION

In view of the foregoing, Appellants submit that claims 1-6, 8-14, and 16-20, all the claims presently pending in the application, are sufficiently enabled and are clearly and patentably distinct from the prior art of record and in condition for allowance. Thus, the Board is respectfully requested to remove all rejections of claims 1-6, 8-14, and 16-20.
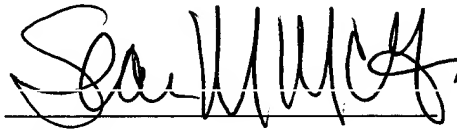
It is noted that the fee for this Appeal Brief was filed with the Appeal Brief of February 15, 2001. Hence, no new fee is due at this time.

Please charge any deficiencies and/or credit any overpayments necessary to enter this paper to Assignee's Deposit Account number 50-0510.

Respectfully Submitted,

Date: 8/30/01

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APPENDIX

1. A system comprising:

a central processing unit (CPU);

at least one input user interface module connected to the CPU, at least one said module comprising means for inputting lead management data for operation upon by the CPU, and means for inputting lead selection parameters for operation upon by the CPU;

a set of functional modules to be executed by the CPU, wherein a first functional module comprises a system security capability, a second functional module comprises a lead management capability, and a third functional module comprises a lead selection capability;

CPU means responsive to an input user request comprising at least one of lead management data and lead selection parameters, the CPU means responding to said request by executing at least of one of the first, second, and third functional modules for generating information comprising at least one of a set of candidate leads and signification of a request; and

means connected to the CPU for outputting the information to an output user interface, wherein an input customer profile is selectively entered by an individual sales agent, and wherein said lead management capability supplies a best match output of said customer profile.

2. The system according to claim 1, wherein the CPU comprises a microprocessor.

3. The system according to claim 1, wherein the at least one user interface module comprises a remote access terminal.

4. The system according to claim 1, further comprising a fourth functional module comprising a user profile management capability.

5. The system according to claim 4, wherein the CPU means responds to said request by executing at least one of first, second, third, and fourth functional modules.

6. The system according to claim 1, wherein the means connected to the CPU for outputting the information comprises means for outputting to a facsimile.

8. The system according to claim 1, wherein said lead selection capability is for supporting a sales agent and to provide leads on an as-needed basis such that when said agent looks for new customers, said agent inputs through said means for inputting lead selection parameters for requesting leads that best fit what said agent desires.

9. The system according to claim 1, wherein said means for inputting lead selection parameters allow said user to input the user's individual preferences for traits to be associated with the leads said user requires for a type of products to be marketed.

10. The system according to claim 1, wherein said lead selection capability supplies the leads which best match a profile input by a user and based on said user's request.

11. The system according to claim 1, wherein said lead management capability includes a quota mechanism for providing use of the leads by the user, and an exclusivity rule for prevent leads being pursued by multiple users at a same time.

12. The system according to claim 1, wherein a user enters its own criteria to said at least one input user interface module to select leads.

13. The system according to claim 1, further comprising:

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means, based on user input through said at least one input user interface module, for providing feedback to said CPU means, on the leads processed by said user, thereby to refine a scoring mechanism to improve quality of leads received by said user in the future.

14. A lead management system comprising:

a central processing unit (CPU);

means connected to the CPU for inputting lead management data; and

means for inputting lead selection parameters for searching said lead management data,

means for updating and maintaining lead data from external sources; and

means for managing said lead data, said managing means comprising a lead usage mechanism for controlling a lead quantity, a lead usage time interval, and a lead availability to a selected user,

wherein said CPU responds to a request for leads tailored to inputted selection parameters by searching said lead management data and outputting selected information to an output user interface.

16. The lead management system, as claimed in claim 15, wherein said lead usage quota mechanism grants a user a predetermined number of leads during said lead usage time interval.

17. The lead management system, as claimed in claim 16, wherein said lead usage quota mechanism conceals from other users said lead data during said lead usage time interval.

18. The lead management system, as claimed in claim 14, further comprising:

means for enforcing predetermined business rule parameters,

, wherein said business rule parameters comprise a time interval for a selected lead in which no client contact is initiated.

19. The lead management system according to claim 14, wherein an input customer profile is selectively entered by an individual sales agent, and said lead management capability supplies a best match output of a customer profile.

20. The lead management system according to claim 14, wherein said lead selection capability is for supporting a sales agent and to provide leads on an as-needed basis such that when said agent looks for new customers, said agent inputs through said means for inputting lead selection parameters for requesting leads that best fit what said agent desires.

TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No. YO997-451

In Re Application Of: **Gary Anderson et al.**

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AUG 3 0 2001

Serial No. 09/009,083	Filing Date January 20, 1998	Examiner F. Backer	Group Art Unit 2155

Invention:

QUALIFIED AND TARGETED LEAD SELECTION AND DELIVERY SYSTEM

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on

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Dated: 8/30/01

Signature

Sean M. McGinn
Registration No. 34,386

I certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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